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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,689	09/18/2003	Muneki Ishida	9281-4650	5213

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,689	ISHIDA, MUNEKI	
	Examiner	Art Unit	
	Vernal U. Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to amendment filed September 16, 2005.

Response to Amendment

The examiner has acknowledged the amended claims 1, 8, 12, 16, 23, and 27 and the cancellation of claims 4 and 19.

Response to Arguments

Applicant's arguments filed September 16, 2005 have been fully considered but they are not persuasive.

Regarding applicant's argument on pages 5-6, the references of Kemink is relied upon for teaching the remote control apparatus recognizing when the device is in a predetermine range of the remote control ((col. 3 lines 15-60, col. 4 line 65-col. 5 line 5). Kemink et al. also teaches selecting the device to be controlled when two or more of the devices are recognized by presenting a list of lights to be controlled (col. 3 lines 46-51) in order to control the lighting or appliance in accordance to the user preferences.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430.

Regarding claim 1, Nelson teaches a remote control system comprising: a remote control apparatus which stores software programs (col. 6 lines 47-52) for driving different kinds of devices with wireless communication and which recognizes the devices when the devices are positioned within a set range (col. 6 line 65-col. 7 line 13), wherein the remote control apparatus includes a monitor for displaying information of one or more of the devices which are being recognized (col. 5 lines 34-45) and a controller (110) for controlling the devices (col. 7 lines 15-20) and the monitor (col. 6 lines 56-58). Nelson is however silent on teaching the remote control recognizes the devices when the devices are positioned within a set range. Kemink et al. in an art related remote control device teaches a remote control recognizing the devices when the devices are positioned within a set range by the remote control receiving context sensitive information for controlling the remote device (col. 3 lines 15-60, col. 4 line 65-col. 5 line 5) in order to provide a control interface that is location dependent. Kemink et al. further teaches selecting the device to be controlled when two or more of the devices are recognized by presenting a list of lights to be controlled (col. 3 lines 46-51) in order to control the lighting or appliance in accordance to the user preferences.

It would have been obvious to one of ordinary skill in the art for the remote control device to recognize the devices when the devices are positioned within a set range of the remote control in Nelson as evidenced by Kemink et al. because Nelson teaches a remote control various appliances and Kemink et al. teaches a remote control recognizing the devices when the devices are positioned within a set range by the remote control receiving context sensitive information

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for controlling the remote device in order to provide a control interface that is location dependent.

Regarding claim 2, Nelson teaches the remote control include a selector (56) for selecting a device to be controlled (col. 6 lines 17-19). Nelson is silent on teaching selecting a device to be controlled when two or more devices are recognized. Kemink et al. in an art related remote control device teaches selecting the device to be controlled when two or more of the devices are recognized by presenting a list of lights to be controlled (col. 3 lines 46-51) in order to control the lighting or appliance in accordance to the user preferences.

It would have been obvious to one of ordinary skill in the art to select a device to be controlled when two or more devices are recognized in Nelson as evidenced by Kemink et al. because selecting the device to be controlled allow the user to customized the appliance based on his/her preferences.

Regarding claim 3-4, Nelson teaches the monitor 20 (display) is built in the remote (figure 1).

Regarding claims 8-11, Nelson in view of teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3

lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by Kemink et al. because Nelson suggests a remote control for controlling various devices and Kemink et al. teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 5-6 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Kayashima et al. US Patent 5488427.

Regarding claims 5-6, Nelson in view of Kemink et al. teaches the monitor 20 (display) is built in the remote (figure 1) but is silent on teaching the display is separate from the remote control. Kayashima et al. in an art related remote control device teaches a television providing the display for displaying the selected key of a remote device (col. 4 lines 40-44). The television is therefore considers the display for the remote control. Kayashima et al. further information is transmitted wirelessly from the remote control to the display (col. 4 lines 61-67).

It would have been obvious to one of ordinary skill in the art to have a display is separate from the remote control in Nelson in view of Kemink et al. as evidenced by Kayashima et al. because Nelson in view of Kemink et al. suggests the remote control having a display and

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Kayashima et al. teaches a television providing the display for displaying the selected key of a remote device.

Regarding claims 12-13, Nelson teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in view of Kayashima et al. in an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3 lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by Kemink et al. in view of Kayashima et al. because Nelson suggests a remote control for controlling various devices and Kemink et al. in view of Kayashima et al. teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Klein et al. US Patent 6859197.

Regarding claim 7, Nelson in view of Kemink et al. teaches a remote control (figure 1) but

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is silent on teaching the remote control comprises a printer. Klein et al. in an art related universal remote control device teaches a remote control comprising a printer (col. 5 lines 50-65) in order to record information.

It would have been obvious to one of ordinary skill in the art for the remote control to comprise a printer in Nelson in view of Kemink et al. as evidenced by Kayashima et al. because Nelson in view of Kemink et al. suggests a remote control with a display for providing information to the user and Klein et al. further teaches a remote control comprising a printer in order to record information.

Regarding claim 14, Nelson teaches a remote control (figure 1) but is silent on teaching the remote control is controlled by a CPU such that the controller provides operational feel corresponding to the device being controlled. Kemink et al. in view of Klein in an art related remote control device teaches providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular type of device (col. 3 lines 42-48, col. 4 lines 5-11) in order to provide a control interface relating to environment in which the control device is located.

It would have been obvious to one of ordinary skill in the art to provide an operational feel corresponding to the device being controlled in Nelson as evidenced by Kemink et al. in view of Klein because Nelson suggests a remote control for controlling various devices and Kemink et al. in view of Kline teaches a remote control providing operational feel corresponding to the device being controlled by presenting the user with menu option to control a particular

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type of device in order to provide a control interface relating to environment in which the control device is located.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 and further in view of Baker et al. US Patent 6597374.

Regarding claims 15-18, Nelson in view of Kemink et al. teaches a remote having various input keys for selecting the device to be controlled and the function to be performed (col. 5 line 63-col. 6 line 45) but is silent on teaching having a rotating wheel for operation of the remote control. Baker et al. in an art related remote control device teaches a rotating wheel for operation of the remote control (col. 3 lines 40-50) as an alternative to using the buttons of the remote control for making selections.

It would have been obvious to one of ordinary skill in the art to have a rotating wheel for operation of the remote control in Nelson in view of Kemink et al. as evidenced by Baker et al. because Nelson in view of Kemink et al. suggests a remote having various input keys for selecting the device to be controlled and the function to be performed and Baker et al. teaches a rotating wheel for operation of the remote control as an alternative to using the buttons of the remote control for making selections.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US Patent 5710605 in view of Kemink et al. US Patent 6563430 in view of Klein US Patent 6859197 and further in view of Baker et al. US Patent 6597374.

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Regarding claims 19-20, Nelson in view of Kemink et al. in view of Klein teaches a remote having various input keys for selecting the device to be controlled and the function to be performed (col. 5 line 63-col. 6 line 45) but is silent on teaching having a rotating wheel for operation of the remote control. Baker et al. in an art related remote control device teaches a rotating wheel for operation of the remote control (col. 3 lines 40-50) as an alternative to using the buttons of the remote control for making selections.

It would have been obvious to one of ordinary skill in the art to have a rotating wheel for operation of the remote control in Nelson in view of Kemink et al. in view of Klein in view of Rosenberg et al. as evidenced by Baker et al. because Nelson in view of Kemink et al. in view of Klein suggests a remote having various input keys for selecting the device to be controlled and the function to be performed and Baker et al. teaches a rotating wheel for operation of the remote control as an alternative to using the buttons of the remote control for making selections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
December 12, 2005


BRIAN ZIMMERMAN
PRIMARY EXAMINER